

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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**RUSSELL ALAN LATONA**

**Plaintiff,**

**v.**

**OFFICER MATTHEW POLLACK, et al.)**

**Defendants. )**

**C.A. No. 07-1 Erie  
District Judge McLaughlin  
Magistrate Judge Baxter**

**ORDER**

AND NOW, this 10<sup>th</sup> day of July, 2008;

IT IS HEREBY ORDERED that Plaintiff's motion for reconsideration [Document # 27] is GRANTED insofar as Plaintiff's implied allegation of the use of excessive force against him by an unnamed guard will be permitted to go forward.

IT IS FURTHER ORDERED that Plaintiff file a second amended complaint to include the allegations alleged in the amended complaint regarding his Eighth Amendment claim pertaining to his medical treatment and his First Amendment claim, as well as the allegation involving the excessive use of force. The second amended complaint must be filed before August 1, 2008.

IT IS FURTHER ORDERED that Defendants file a responsive pleading to the second amended complaint before September 3, 2008.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge